

Application No. 10/084,802

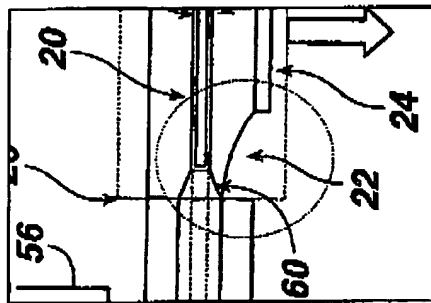
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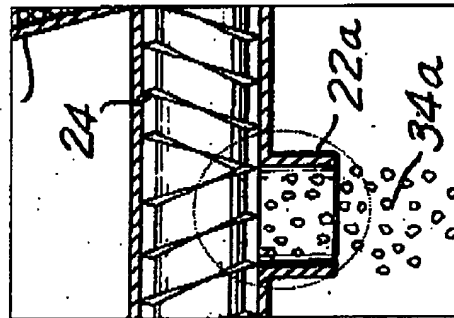
REMARKS

Applicant requests reconsideration of the application and of the pending claims. Applicant respectfully submits that the application is in condition for allowance, and notice to that effect is respectfully requested. Claims 1-28 were cancelled previously. Claims 29-43 are currently pending in the application.

Claims 29-31, 33-34 and 36-43 were rejected under 35 USC § 102(b) as being anticipated by Kasting. With reference to Applicant's Fig. 1 and the specification at page 8, line 26, an embodiment supporting claim 29 having "a contoured lower wall 22" is shown and described. At page 9, line 25, the specification discloses that an embodiment supporting claim 29 "having a lower wall 22 that *slopes* toward the discharge port 24" (emphasis added). A contoured, sloped or curved wall such as evident in Applicant's Fig. 1 (excerpt shown below) is lacking in Kasting, both in terms of the written disclosure and in terms of disclosed figures. Kasting discloses a wall with a straight, non-curved profile adjacent to discharge port 22a, as shown below in a side-by-side comparison. Kasting does not disclose, teach or suggest a contoured lower wall.



Applicant – selection from Fig. 2



Kasting – selection from Fig. 1

A portion of each wall adjacent to discharge port is identified with a dashed circle.

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Applicant submits that the cited art does not anticipate claims 29 or 33, and that claims 29 and 33 are allowable. Claims 30-31, 34, and 36-43 depend from an allowable claim. Notice to that effect is respectfully requested.

Claims 32 and 35 were rejected under 35 USC § 103(a) as being unpatentable over Kastings (discussed above) in view of Lowe. Claims 32 and 35 depend from allowable independent claims, and are therefore also allowable. Regardless, a *prima facie* case of obviousness has not been made for at least two reasons.

The first reason is that all the claim elements have not been disclosed or suggested by the art references, either alone or in combination. Particularly, Kastings does not disclose, teach or suggest a contoured lower wall, and neither does Lowe. Because neither reference discloses, teaches or suggests such, a *prima facie* case of obviousness has not been made.

The second reason is that the prior art does not enable the invention as defined in claims 32 and 35. *In re Kumar*, no. 04-1074, a recent CAFC decision, indicates that for an obviousness rejection, the prior art must be enabling. Naturally, as neither reference includes all of the claim limitations for claims 32 or 35, neither reference can be considered to be enabling.

For any or all of the above reasons, Applicant submits that the pending claims are allowable. Notice to that effect is respectfully requested.

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In view of the remarks presented herein, Applicant submits that the case is in condition for allowance and respectfully requests a notice to that effect. If, however, any minor issues remain unresolved, the Examiner is invited to telephone the Applicant's counsel at the number provided below. Any additional fees for the accompanying response are hereby petitioned for, and the Director is authorized to charge such fees as may be required to Deposit Account 07-0868.

Respectfully submitted,



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